

TRADEMARK ASSIGNMENT

Electronic Version v1.1

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SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Willet N. Wandell		02/15/2005	INDIVIDUAL: UNITED STATES

RECEIVING PARTY DATA

Name:	Discov-Tree Partners, LLC
Street Address:	3000 West Springfield Avenue
City:	Champaign
State/Country:	ILLINOIS
Postal Code:	61820
Entity Type:	Limited Liability Company:

PROPERTY NUMBERS Total: 15

Property Type	Number	Word Mark
Registration Number:	1508479	ATTENTION!
Registration Number:	1313740	AUTUMN APPLAUSE
Registration Number:	2093073	AUTUMN ENCHANTMENT
Registration Number:	1508480	DANCER
Registration Number:	2107261	HAPPIDAZE
Registration Number:	1313743	LEGACY
Registration Number:	1511167	LEGEND LINDEN SUPERIOR AMERICAN LINDEN
Registration Number:	1313730	MACHO
Registration Number:	1508482	PRESTIGE
Registration Number:	1313741	SHANGRI-LA
Registration Number:	1319711	SKYWARD RED ASH
Registration Number:	1508483	SUMMER CHARM
Registration Number:	1508481	SUMMER GLOW
Registration Number:	2107023	SUNDANCE

Registration Number:

1313742

URBANITE

CORRESPONDENCE DATA

Fax Number: (217)352-1083

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 217/352-1800

Email: jmurphy@meyercapel.com

Correspondent Name: Joseph Murphy

Address Line 1: 306 West Church Street

Address Line 4: Champaign, ILLINOIS 61820

NAME OF SUBMITTER:

Joseph D. Murphy

Signature:

/joseph d murphy/

Date:

02/15/2005

Total Attachments: 4

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AFFIDAVIT OF JEFFREY A. WANDELL

COUNTY OF CHAMPAIGN)
)
STATE OF ILLINOIS) :ss

I, **Jeffrey A. Wandell**, being duly sworn, do state and depose the following.

1. I am an individual over the age of 18 years residing in Champaign, Illinois. I make this affidavit to evidence the transfer and assignment of the patents and trademarks referenced below in this affidavit, and to cause the transfers to be reflected in the records of the Patent and Trademark Office.
2. My father, Willet N. Wandell, individually or through various business entities in which he was involved, was the originator of a number of patentable varieties of trees and the originator of a number of trademarks used in conjunction with the sales of those varieties of trees. Through the transactions I will describe below, each of the patents and trademarks discussed in this affidavit has been transferred and assigned to, and is now owned by Discov-Tree Partners, LLC.
3. During his lifetime, Willet N. Wandell obtained the following patents and trademarks (the "Patents and Trademarks") directly or through entities that he controlled:

Patents

<u>Title</u>	<u>Plant Patent No.</u>	<u>Issue Date</u>
Fraxinus pennsylvanica Lednaw	PP7,120	01/23/90
English oak named 'Wandell'	PP6,746	04/18/89
AcerxFreemani named 'DTR 102'	PP7,655	09/25/91
Pyrus Betulaefolia 'Southworth'	PP7,033	09/19/89
Pyrus CalleryanaxBetulifolia Tree Named 'Edgewood'	PP10,151	12/16/97
Red Maple Named Wandell	PP6,993	08/22/89
Thornless Honeylocust	PP6,709	04/04/89
Littleleaf Linden named 'Norbert'	PP6,745	04/18/89

Green Ash Named 'Wasky'	PP7,036	09/19/89
Sterling Silver Linden	PP6,511	01/03/89
Syringa Pekinensis	PP8,951	10/18/94
Green Ash Named Urbanite	PP6,215	07/05/88

Trademarks

<u>Trademark Name</u>	<u>Registration No.</u>	<u>Registration Date</u>
Attention!	1,508,479	10/11/88
Autumn Applause	1,313,740	01/08/85
Autumn Enchantment	2,093,073	09/02/97
Autumn Glow	2,054,552	04/22/97
Dancer	1,508,480	10/11/88
Happidaze	2,107,261	10/21/97
Legacy	1,313,743	01/08/85
Legend Linden Superior	1,511,167	11/01/88
American Linden		
Macho	1,313,730	01/08/85
Prestige	1,508,482	10/11/88
Shangri-La	1,313,741	01/08/85
Skyward Red Ash	1,319,711	02/12/85
Summer Charm	1,508,483	10/11/88
Summer Glow	1,508,481	10/11/88
Sundance	2,107,023	10/21/97
Urbanite	1,313,742	01/08/85

4. On or about December 30, 1991, Willet N. Wandell transferred a number of the foregoing Patents and Trademarks into the Willet N. Wandell Irrevocable Living Trust ("1991 Trust"). The trustees and beneficiaries of that trust were me and my three siblings, Dennis N. Wandell, Dana J. Wandell and Carol W. Nelson (f/k/a Carol W. Tomlin). According to its terms, the trust property was to be distributed to its beneficiaries on my father's death.
5. On or about August 11, 1993, Willet N. Wandell transferred a number of additional Patents and Trademarks (and all subsequently obtained patent and trademark rights), including the balance of the foregoing Patents and Trademarks, into a Revocable Trust created on August 11, 1993, called the "1993 Trust," of which Willet N. Wandell was the grantor and trustee. The 1993 Trust was amended on three separate occasions. As a result of those amendments, at the

time of my father's death, I was the first successor trustee to Willet N. Wandell. The beneficiaries of the Patent and Trademark rights under 1993 Trust as a result of my father's death were me and my three siblings, Dennis N. Wandell, Dana J. Wandell and Carol W. Nelson.

6. On January 14, 1997, Willet N. Wandell executed a Last Will and Testament, leaving the residue of his estate (after specific distribution of his personal effects, household goods, automobiles, and all other tangible personal goods) to the 1993 Trust. By a First Codicil to the Last Will and Testament of Willet N. Wandell, dated May 17, 1997, I was designated the executor of his estate.

7. Willet N. Wandell died on April 9, 1998.

8. Neither the 1991 Trust nor the 1993 Trust were revoked during Willet N. Wandell's lifetime.

9. Following his death, the January 14, 1997 Last Will and Testament of Willet N. Wandell, including the May 17, 1997 First Codicil to the Last Will and Testament of Willet N. Wandell was filed in Henderson County, Illinois.

10. As a result of my father's death, the patent and trademark rights held by the 1991 Trust were distributed to my three siblings and I in equal one quarter interests.

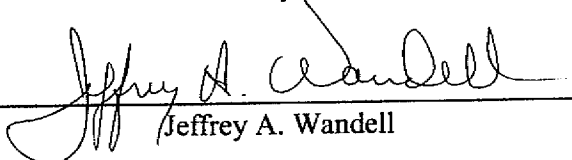
11. By a Memorandum of Understanding dated June 10, 1999, my sister, Carol W. Nelson sold her interest in the Patents and Trademarks that are the subject of this Affidavit to my brothers and me, making my brothers and me owners of the legal interest in the Patents and Trademarks on the following percentage basis: Jeffrey A. Wandell, 37.5%; Dana J. Wandell, 37.5%; and Dennis N. Wandell, 25%.

12. My two brothers and I formed an Illinois limited liability company called Discov-Tree Partners, LLC for the stated purpose of owning and licensing various patents for species of trees.

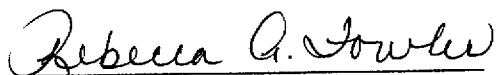
My two brothers and I contributed all of the patent and trademark rights in exchange for our membership rights in Discov-Tree Partners, LLC. We are the only members of Discov-Tree Partners, LLC.

13. As a result, Discov-Tree Partners, LLC is the rightful assignee and legal owner of each of the listed patents and trademarks.

Further affiant sayeth not.


Jeffrey A. Wandell

Subscribed and sworn before me
This 30th day of June 2004


Notary Public

